

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEBORAH CERIFKO,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security,

Defendant.

No. 4:20-CV-01884

(Chief Judge Brann)

(Magistrate Judge Arbuckle)

ORDER

MARCH 10, 2022

Deborah Cerifko filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Cerifko’s claim for social security disability benefits.² In February 2022, Magistrate Judge William I. Arbuckle issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.³

Cerifko filed timely objections to the Report and Recommendation, asserting that the administrative law judge (ALJ) did not properly weigh the opinion of Cerifko’s treating physician, and that the ALJ’s assessment of limitations cause by Cerifko’s mental health impairments is not supported by substantial evidence.⁴ “If a party objects

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Doc. 1.

³ Doc. 22.

⁴ Doc. 23.

timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Arbuckle’s recommendation. Although Cerifko disputes some of Magistrate Judge Arbuckle’s observations and conclusions, Magistrate Judge Arbuckle correctly determined that, as a whole, the ALJ’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendation (Doc. 22) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Cerifko pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.